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APPLICATION NO. 087579-395	FILING DATE 12/27/95	FIRST NAMED INVENTOR SWAIN W	ATTORNEY DOCKET NO.
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MM41/0128

EXAMINER KARLSEN, E

ABT UNIT 2858	PAPER NUMBER 15
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DATE MAILED: 01/28/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

08/579395

Applicant(s)

SWAIN, W. H.

Examiner

E. KARLSEN

Group Art Unit

2858

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 11-5-98.
- ☐ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-31 and others is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-31 and others is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) _____.
- ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____.

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☒ Notice of References Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

Art Unit: 2858

1. Applicant has added numerous claims in response to Office Actions and has given claims strange numbers. Which claims are in the case and exactly what their numbers are is not clear. It is suggested that all the claims presently in the case be cancelled and the claims be ~~re~~presented as claim 32 to whatever the highest number is. Claims cannot be renumbered under the rules but they can be copied verbatim and given new numbers. See 37 CFR 1.26. Claims 1-31 and others seem to currently be in the application.

2. Claims 1-31 and any other claims that might be in the application are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is not clear what all the claimed elements and steps are and it is not clear how they are interconnected and interrelated to produce the desired results. It is requested that a reading of each of the independent claims be provided with respect to a figure or figures of the drawings. Claim 14, for instance, has no positively claimed elements and appears to be kind of a statement of a law which in itself is not clear. It is not clear in claim 14 what parts make up a sensor.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

4. (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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5. Claims 1-31 and any other claims that might be in the application are, insofar as understood, rejected under 35 U.S.C. 102(b) as being fully anticipated by Swain, Schroeder or van Zanten et al.

Karlsen/dc
January 20, 1999

A handwritten signature in cursive script, reading "Ernest F. Karlsen".

Ernest F. Karlsen
Primary Examiner